

CANNABIS CONTROL COMMISSION

**June 27, 2019
10:00AM**

**Massachusetts State House
Hearing Room B-1
24 Beacon Street
Boston, MA 02133**

PUBLIC MEETING MINUTES

1) Call to Order

Chairman called to order and put the public on notice that the meeting is being recorded.

2) Chairman's Comments & Updates

- Chairman gave an overview of the agenda and thanked Chairman Rogers for the use of the room.

3) Minutes May 16, 23, and 30

- Commissioner thanked Andrew Carter with respect to meetings and the legal staff and entire staff with respect to the regulations and preparing for meetings in quick succession.
- Three sets of minutes
 - May 16, 2019
 - Commissioner McBride: 4th page, first full paragraph, starting with “Mr. Potvin and director of enforcement Patrick Beyea” inserting after the sentence “Commissioner Title said she was seeking all documents related with this transfer of ownership” inserting “Chairman Hoffman said, ‘Obtaining an outside vendor has been discussed with the Executive Director and will be underway shortly.’”
 - Chair asked for additional changes to the May 16, 2019 minutes and then asked for a motion to approve the minutes subject to the change requested by Commissioner McBride.
 - Commissioner McBride moved to approve the minutes of the May 16, 2019 meeting subject to the changes Commissioner McBride requested.
 - Commissioner Flanagan seconded the motion.



- The Commission unanimously approved the minutes of the May 16, 2019 meeting subject to the change requested by Commissioner McBride.
- May 23, 2019
 - Chair asked for questions or comments then asked for a motion to approve the minutes from May 23, 2019.
 - Commissioner McBride moved to approve the minutes of the May 23, 2019 meeting.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the minutes from the May 23, 2019 meeting.
- May 30, 2019
 - Chair asked for questions or comments and then asked for a motion to approve the minutes from May 30, 2019.
 - Commissioner Doyle moved to approve the minutes of the May 30, 2019 meeting.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the minutes from the May 23, 2019 meeting.

4) Executive Director's Report

- Attempting to align the data presented with the data in the open data platform.
- 274 total applications that have all 4 packets and are therefore pending Commission review at this time.
- 297 have been withdrawn.
- 293 incomplete (not all four packets have been received).
- 1 denial.
- 174 considered and approved.
- Grand total of 3,679.
- Executive Director reviewed the 174 approved licenses and where they are in the licensing process.
 - 17 provisionally approved (fee has not been paid).
 - 91 provisional licenses (fee has been paid).
 - 14 final licenses that are in the process of being inspected in order to commence operations.
 - 52 that have commenced operations.
- Executive Director gave a breakdown of priority status applicants.
 - 190 that received RMD priority status.
 - 10 Economic Empowerment priority status
 - 294 general applicants.
- Disadvantaged Business Enterprise statistics received.
 - 86.2% have not identified as a Disadvantaged Business Enterprise.
- Overview of where applicants are in the process
 - 151 have not been reviewed by staff.



- 71 reopened and additional information was requested.
 - 36 awaiting third-party response, whether municipality or background check.
 - 8 are before the Commission today.
 - 175 have been considered by the Commission.
- Overview of geographic location of applicants pending before the commission.
 - Majority in Worcester County.
- Retail pending across the Commonwealth
 - Predominantly Worcester county.
- Total agent applications
 - 6,252 total applications.
 - 4,511 active agents.
 - 167 being reviewed.
 - 46 have not been reviewed.
 - 119 Have been reopened and require additional information.
 - 2 awaiting a third-party response (fingerprinting for laboratory agents).
- Agent Demographics
 - Gender
 - 66.9% identified as male.
 - 32.7% identified as female.
 - Race
 - 73.5% identified as white.
- Medical data (not currently in our portal).
 - 154 total registration applications pending for Medical Treatment Centers.
 - 164 registrations have been issued to date.
 - 106 are provisional registrations.
 - 5 final registrations.
 - 50 commenced operations.
 - 3 have expired.
- RMD/MTC Agent Registrations.
 - 6,177 total RMD/MTC agent applications.
 - 4,192 are active.
 - 75 pending.
- Certified Patients
 - Will be able to update those on July 1 given they are updated on a monthly basis.
- Social Equity Program.
 - 708 applicants to date.
 - 51 approved.



- 114 reopened and additional information to be submitted.
- 229 in the process in terms of being reviewed.
- 314 incomplete applications.
- Which track Social Equity Program applicants chose
 - Majority (162 applicants - 70%) of applicants selecting entrepreneurship.
 - Gender
 - Majority identify as male.
 - Race
 - Majority Black/African American
 - 24 selected Entry/Reentry
 - Race
 - Majority identify as male.
 - Gender
 - Majority identify as Black/African American.
 - 21 selected Core
 - Race
 - Majority identify as male.
 - Gender
 - Majority identify as Black/African American.
 - 22 selected Ancillary
 - Race
 - Majority identify as male.
 - Gender
 - Majority identify as Black/African American.
- Two additional updates for the Commission's considerations.
 - Commission included temporary registration for patients, going live July 1. We are calling it "initial access." Because of the way the terms were being used and confused, we are using the term "initial access" for a 14-day initial access to get medical marijuana while their permanent registration is processed.
 - Responsible Vendor Training is an application the Commission will launch July 1. That is an application that will have to come before the Commission for approval and consideration. That application will be done through the MassCIP. What we are looking to do is identify the vendors, review their courses, and make sure it meets the standards in the regulations, and capture sufficient information for Commission's consideration. Commending the staff to pull this together, who collaboratively worked outside their job description to make this program happen.



- Commissioner McBride asked, with respect to responsible vendor training, are we anticipating some vendors that will present on the entire list of training, or will they be applying for one component?
 - Executive Director: suspicion that most will be able to do the entire program, but expect those with particular expertise to apply for that portion.
 - Commissioner Doyle: We have a base model, but hoping that in future, the base model will have the ability to specialize, but initially, it appears that vendors will apply to provide the whole suite of offerings.

5) Staff Recommendations on Final Licenses

- a. Caregiver-Patient Connection (#MC281254), Cultivation – Tier 2/Outdoor
 - Director of Licensing Kyle Potvin presented the application and staff recommendation for both the outdoor cultivation and indoor cultivation.
 - Chair asked for comments and questions and then asked for a motion to approve the staff recommendation for final license.
 - Commissioner Doyle moved to approve the staff recommendation for final license.
 - Commissioner Flanagan seconded the motion.
 - The Commission unanimously approved the staff recommendation for final license.
- b. Nature’s Remedy of Massachusetts, Inc. (#MC281482), Cultivation – Tier 4/Indoor
 - Chair asked for comments and questions and then asked for a motion to approve the staff recommendation for final license.
 - Commissioner Doyle moved to approve the staff recommendation for final license.
 - Commissioner Flanagan seconded the motion.
 - The Commission approved the staff recommendation for final license by a vote of four (Doyle, Flanagan, Hoffman, and McBride) with one abstention (Title).
- c. Nature’s Remedy of Massachusetts, Inc. (#MP281524), Product Manufacturing
 - Director of Licensing Kyle Potvin presented the application and staff recommendation.
 - Chair asked for comments and questions and then asked for a motion to approve the staff recommendation for final license.
 - Commissioner Flanagan moved to approve the staff recommendation for final license.
 - Commissioner Doyle seconded the motion.
 - The Commission approved the staff recommendation for final license by a vote of four (Doyle, Flanagan, Hoffman, and McBride) with one abstention (Title).
- d. Nature’s Remedy of Massachusetts, Inc. (#MR281553), Retail
 - Director Potvin presented the application and staff recommendation.



- Chair asked for comments and questions and then asked for a motion to approve the staff recommendation for final license.
 - Commissioner Doyle moved to approve the staff recommendation for final license.
 - Commissioner McBride seconded the motion.
 - The Commission approved the staff recommendation for final license by a vote of four in favor (Doyle, Flanagan, Hoffman, and McBride) with one abstention (Title).
- e. The Green Lady Dispensary, Inc. (#MP281345), Product Manufacturer
- Director Potvin presented the application and staff recommendation for both Product Manufacturer and Retail.
 - Chairman asked for a little more insight into the conversation and the unique requirements for testing protocols.
 - Investigator Armond Enos: The applicant has agreed to having post cultivation testing of soil to ProVerde Labs in Milford and which will provide the results back. In the case of a failed test, we would be notified.
 - Commissioner Doyle asked about testing of finished product.
 - Investigator Enos – The applicant has on-site testing for finished products using a “petri dish” testing system for microbials and mycotoxins. The applicant has two ovens for the incubation periods. They have two ovens, one for 24 hours and one for 48 hours, to accommodate the varying incubation periods and temperatures required to clearly detect the presence of certain pathogens. Heavy metals are done in the soil sample sent to ProVerde Labs. They also have on-site testing strips where a solution can be diluted and tested, giving test results within 5-10 minutes. As far as solvents, they will only be using CO2. For products that require winterization, they will use food grade residual ethanol and will run final tests to make sure the ethanol is completely removed. In their Standard Operating Procedures, they have included physical representations and visual cues to recognize microbial pathogens and they will provide pictures of products to share with Investigator Enos so he can match it up to that key.
 - Commissioner Doyle asked if applicant is aware that there will be a labeling requirement with respect to the limited testing of such products.
 - Investigator Enos: Yes. All products coming out of the establishment will have that warning, with the pesticide testing in Milford. Pesticides are applied with either a sprayer or in the soil itself, so whichever application was used, the pesticides would be detected through the soil sampling, which is the next best thing to actually testing the plant, which we can’t do in this context.
 - Chair asked for additional questions or comments.
 - Chairman asked if other Nantucket retailers would use this lab as well.
 - Investigator Enos: The one caution on that is that this lab is not ISO accredited.



- Chairman then asked for a motion to approve the staff recommendation for final license.
 - Commissioner Doyle moved to approve the staff recommendation for final license considering the discussion had.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the staff recommendation for final license.
- f. The Green Lady Dispensary, Inc. (#MR281427), Retail
- Chairman then asked for a motion to approve the staff recommendation for final license.
 - Commissioner Doyle moved to approve the staff recommendation for final license considering the discussion had.
 - Commissioner Title seconded the motion.
 - The Commission unanimously approved the staff recommendation for final license.
 - Chair acknowledged that this was the first retail establishment approved on the island of Nantucket.
- g. HVV Massachusetts, Inc. (#RMD1185), Vertically Integrated Medical Marijuana Treatment Center/RMD
- Director Potvin presented the application and staff recommendation.
 - Chairman asked for comments and questions and then asked for a motion to approve the staff recommendation for final license.
 - Commissioner McBride moved to approve the staff recommendation for final license.
 - Commissioner Doyle seconded the motion.
 - The Commission unanimously approved the staff recommendation for final license.
- 6) Staff Recommendations on Provisional License Applications
- a. BCWC, LLC (#MCN281970), Cultivation – Tier 1/Indoor
- Director Potvin presented the application and staff recommendation.
 - Chairman asked for comments and questions.
 - Commissioner Title: The Diversity Plan only provides a goal that at least 55% of the work force will be made of women, minorities, veterans and people with disabilities. That is too low given that women make up 50% of the populations. Therefore, proposing that the Diversity Plan be revised and resubmitted.
 - Chairman asked for other questions and comments then asked for a motion to approve the staff recommendation for final license subject to the condition proposed by Commissioner Title.
 - Commissioner Flanagan moved to approve the staff recommendation for final license subject to the condition proposed by Commissioner Title.
 - Commissioner Doyle seconded the motion.

- The Commission unanimously approved the staff recommendation for final license, subject to the condition proposed by Commissioner Title.
- b. Blackstone Valley Naturals, LLC (#MBN281476), Microbusiness: Cultivation – Tier 1/Indoor
- Director Potvin presented the application and staff recommendation.
 - Commissioner Flanagan: Concerns with respect to the Positive Impact Plan. Expressed appreciation for having a microbusiness before the Commission, given the process and the difficulties for small businesses. The Positive Impact Plan discusses working with social service agencies in Worcester County, which is obviously geared toward adults 21 and over. Concern stems from advertising, if you want to attract 21 and over, you also push the boundary of advertising that 18-20 cohort, given those age groups congregate together. How do they intend to advertise? Second concern is with respect to their intention to partner with social service agency in an area of disproportionate impact. Not all social service agencies are physically located in an area of disproportionate impact, even if that agency would provide services to such an area. Therefore, hoping that can expand on their search. What is most troubling, is the as they have gotten further in the process, they would identify the social service agency and that's not done in the plan. Hoping that they could submit amendments with regards to which social service agency they will work with and how they will advertise to those 21 and over and who will host them. Will they be on site or off Premises.
 - Commissioner Title: Concerns about the Diversity Plan setting out programs and measurements but no measurable goes. Therefore, adding a condition to revise the Diversity Plan to include measurable goals and then be resubmitted.
 - Commissioner McBride: Impressed by electronic countermeasures and security plan. If folks are looking for something to model their plans after, this would be a good example.
 - Chairman asked for additional comments and questions and then asked for a motion to approve the staff recommendation for final license subject to the conditions proposed by Commissioners Flanagan and Title.
 - Commissioner Flanagan moved to approve the staff recommendation for final license subject to the conditions proposed by Commissioners Flanagan and Title.
 - Commissioner McBride seconded the motion.
 - The Commission unanimously approved the staff recommendation for final license subject to the conditions proposed by Commissioners Flanagan and Title.
- c. Ten-Ten, LLC (#MCN281734), Cultivation – Tier 3/Indoor
- Director Potvin presented the application and staff recommendation for all four Ten-Ten, LLC licenses.
 - Commissioner McBride: General comment for all four applications, given documents with respect to management and operations profile seemed to apply across all. There will be no



medical operations, so the first question is with respect to a statement in their business plan that they have legislative approval to sell both medical marijuana and adult use marijuana. Even though this statement is part of their business plan, and not management and operations program, it raises concerns as one goes through the other documents. In Shipping, receiving, and transportation portion of the plan, last paragraph reads: “The inventory manager must securely transmit a copy of the shipping manifest to the receiving facility and the regulatory agency on the business day prior to transport.” Question of whether the Commission requires such a submission.

- Director Potvin: It is not a requirement, though that information would be included in the Seed-to-Sale tracking system.
- Commissioner McBride: Perhaps there needs to be some clarification there. The third page of the same plan, the final paragraph on the third page starts: “When delivery delivering for patient or caregiving purposes.” Are they going to be authorized to deliver for patient and caregivers if they’re not authorized for medical?
- Director Potvin: No
- Commissioner McBride: That’s concerning, because it is unclear what regulations they were reading when they put together their plan, which is supposed to substantially comply with and reflect our regulations. In the Security Summary, under section (k) Ac and EACC issuance procedures, there is a discussion about temporary keys that will be issued for 24 ours or less but never to a restricted access area. It goes on to read, “CCC registered vendors and contractors may be authorized to have temporary loan keys, the security director will authorize and write temporary loan keys. Concerns with respect to temporary loan keys being issued to vendors and contractors. Not sure what the meaning of “CCC Registered vendors and contractors” means. That might be something that could be further delineated. But, generally speaking, are temporary loan keys something authorized by us?
- Director Potvin: No.
- Commissioner McBride: generally speaking, I have concerns about how some of these documents were put together. If we decide to move forward with a provisional license, then they need to be looking closer at these policies and our regulations and completely redrafting those policies. But there is a big concern about whether this entity understands the Commission’s regulations.
- Chairman Hoffman: Agree that these are substantive issues.
- Chairman asked for comments and questions, stated that there would be an individual vote on each of the four Ten-Ten licenses, and then asked Commissioner McBride whether she wanted to attach a condition.
- Commissioner McBride requested the condition that each of the policies be rewritten.



- Chairman, then asked for a motion to approve the staff recommendation for provisional license for the Tier 3 Indoor Cultivation License, subject to the condition requested by Commissioner McBride.
- Commissioner McBride moved to approve the staff recommendation for provisional license subject to the condition requested by Commissioner McBride.
- Commissioner Doyle seconded the motion.
- The Commission unanimously denied the staff recommendation for provisional license.

d. Ten-Ten, LLC (#MCN281745), Cultivation – Tier 3/Outdoor

- Chairman asked for a motion to approve the staff recommendation for provisional license subject to the condition suggested.
- Commissioner Flanagan moved to approve the staff recommendation for provisional license subject to the condition suggested by Commissioner McBride.
- Commissioner McBride seconded the motion.
- The Commission unanimously denied the staff recommendation for provisional license.
- Executive Director: As a matter of processing the denial, it would be helpful to have a statement as to the basis for the denial.
- General Counsel: It would be helpful if the Commission could articulate the licensure requirement that it believes is at issue in the denial and also identify what was submitted in support of that licensure requirement and if there was some issue with the information or how that information applied to the requirement. Also, if the Commission could vote on the basis of the denial.

Chairman: Commissioner McBride to read a rendering of the explicit concerns she raised in the discussion of the license application. Then the Commission will have a vote on the previous two considerations to apply those concerns as the rationale for the denial.

Commissioner McBride: The Commission has decided that the application for licensure should be denied. The application is not in compliance what the law. The licensure requirements at issue are regulatory in nature, specifically, including, but not limited to 935 500.101(1)(c)(9). “The Management and Operations Profile submitted in accordance this subsection shall demonstrate compliance with the operation requirements in 935 CMR 500.105-140, as applicable.” It does not. 935 CMR 500.105(13): The Transportation Between Marijuana Establishment Requirement, including, but not limited to, provision (f) on Manifests. 935 CMR 500.110 Security Requirements. It is impermissible to issue temporary keys. This is based on a review of the components of the application that included the Transportation, Shipping, and Receiving Plan, Security Plan, and the fact that the applicant is seeking licensure in the adult use program, not the medical use program, and the information they submitted does not clearly support the adult use requirements in the categories of licensure they seek.



Ten-Ten, LLC (#MCN281734), Cultivation – Tier 3/Indoor

- Chairman: Unless there are any comments on commissioner McBride’s rationale, I would like to ask for a motion to append the rationale to the vote to deny the provisional license for MCN281734.
- Commissioner Doyle moved to append the rationale provided by Commissioner McBride to the previous vote to deny the provisional license.
- Commissioner Flanagan seconded the motion.
- The Commission voted unanimously to append the rationale provided by Commissioner McBride to the vote to deny a provisional license for MCN281734.

Ten-Ten, LLC (#MCN281745), Cultivation – Tier 3/Outdoor

- Chairman: Asked for a motion to append the rationale provided by Commissioner McBride to the vote taken on the provisional license for the MCN281745.
- Commissioner Doyle moved to append the rationale provided by Commissioner McBride to the previous vote to deny the provisional license.
- Commissioner Flanagan seconded the motion.
- The Commission voted unanimously to append the rationale provided by Commissioner McBride to the vote to deny a provisional license for MCN281745.

e. Ten-Ten, LLC (#MPC281496), Product Manufacturing

- Chairman asked for a motion to approve the staff recommendation for provisional license.
- Commissioner McBride moved to approve the staff recommendation for provisional license.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously denied the staff recommendation for provisional license.
- Chairman asked for a motion to append the rationale provided by Commissioner McBride to the vote to deny the provisional license.
- Commissioner Doyle moved to append the rationale provided by Commissioner McBride to the vote to deny the provisional license.
- Commissioner Flanagan seconded the motion.
- The Commission unanimously voted to append the rationale provided by Commissioner McBride to the vote to deny the provisional license.

d. Ten-Ten, LLC (#MRN281924), Retail

- Chairman asked for a motion to approve the staff recommendation for provisional license.
- Commissioner Doyle moved to approve the staff recommendation for provisional license.
- Commissioner McBride seconded the motion.
- The Commission unanimously denied the staff recommendation for provisional license.



- Chairman asked for a motion to append the rationale provided by Commissioner McBride to the vote to deny the provisional license.
- Commissioner Flanagan moved to append the rationale provided by Commissioner McBride to the vote to deny the provisional license.
- Commissioner Doyle seconded the motion.
- Commission unanimously voted to append the rationale provided by Commissioner McBride to the vote to deny the provisional license.

e. The Haven Center, Inc. (#MRN281258), Retail

- Director Potvin presented the application and staff recommendation.
- Chairman asked for comments and questions and then asked for a motion to approve the staff recommendation for provisional license.
- Commissioner Doyle moved to approve the staff recommendation for provisional license.
- Commissioner Title seconded the motion.
- The Commission unanimously approved the staff recommendation for provisional license.

f. The Haven Center, Inc. (#MRN282481), Retail

- Director Potvin presented the application and staff recommendation.
- Chairman clarified that if the municipality does not get back to us within 60 days, there is a presumption that they do not have any objections. Have there been any communications between the Commission staff and the Town of Brewster?
 - Executive Director: Our outreach has been proactive. There was a previous applicant within Brewster, where there was a bylaw question, but under an interpretation of the Attorney General's Office, we are in compliance. Commission Staff has had a lot of interaction with the Town of Brewster but did not receive a formal response. We're not aware of any issue and are confident in their compliance.
- Chairman asked for comments and questions and then asked for a motion to approve the staff recommendation for provisional license.
- Commissioner Doyle moved to approve the staff recommendation for provisional license.
- Commissioner Title seconded the motion.
- The Commission unanimously approved the staff recommendation for provisional license.

7) Commission Discussion and Votes

a. Draft Adult Regulations

- Chairman: We will go through the regulations section by section, first adult then medical. The Commission will vote on each set of regulations as a whole. As the Commission goes through each section, commissioners will make suggested edits, but unless it rises to a change in policy,



those changes will be voted on as part of the regulations as a whole. As going through, Chairman will read the comments provided by the legal staff.

- Commissioner Title: Citizens Review Committee definition was deleted. There may be a reason to delete it, but if we're not going to have a conversation as to why, we should keep it in.
 - Executive Director: That is a group had some starts and stops with respect to meeting. The value add is as an accountability measure for the Commission, especially with respect to Social Equity Program. One of the challenges has been finding the space and establishing a quorum for that group. There has not been a plan to reconstitute the group, but perhaps reconsidering in the fall when a plan for the committee can be presented. In the meantime, there will be continued difficulty pulling that group together.
 - Chairman: If we agree that we will come back and discuss this in the fall, then there is no reason to take out the definition from the regulations. As conceived, it is important and vital, but it has not played out that way. Since we're going to have that conversation eventually, there is no point in taking that definition out of the regulations at this point.
 - Executive Director: we will add that definition back in.
- Commissioner Doyle: In the materials for initial roll out of initial access certification the word "clinician" was used instead of "healthcare provider" at the suggestion of a certifying physicians, happy to put this off to the fall if people would rather have additional time to think about it, but to make materials consistent and to listen to a certifying physician in our program, we may want to change "healthcare provider" to "clinician."
 - Executive Director: The Commission uses marijuana and cannabis interchangeably, perhaps the same approach in this case is the way to go and clean it up in the fall as a matter of efficiency and to ensure we do not miss anything.
 - Chairman: We will establish an additional definition for "clinician" that is the same as "healthcare provider."
 - Commissioner Doyle: Each of those definitions should reference the other.
- Commissioner Title: Suggestion for edit to definition of Precertification Application. Currently precertification would apply to a marijuana social consumption applicant. However, our equity workplan also lists the staff coming back in the fall with recommendations for precertification applications for social equity participants and economic empowerment applicants. I would recommend we expand this definition now to include both social equity applicants and economic empowerment applicants.
- Commissioner Doyle: On pre-verification, that is the process of a Marijuana Retailer examining the identification and collecting the information required by the regulations prior to a consumer being able to receive deliveries. I requested language to make sure it is consistent with the limitations established in the statute on what can be collected. After "dwelling" insert a comma



and the language: “provided that such information shall not be other than information that is typically required in a retail transaction.” Which is the language from the statute.

- Chairman pointed out that language was in an updated draft.
- Commissioner Title: With respect Social Equity Program Participant, in terms of benefits stemming from this designation, no one can fit it currently because no one has finished the program, since the Commission hasn’t completed developing the program. I would recommend leaving it as “have qualified to participate” or add to the definition, in order to account for people who have started the program, but hasn’t completed it, left the program, or had a certain number of absences, “someone who remains designated as a social equity program participant designated by the Commission.”
- Commissioner Doyle: Question with respect to Annual License Fees. Commission allowed a 50% reduction in the license fees for social equity program participants and economic empowerment applicants but did not anticipate an application process to qualify for that.
 - General Counsel: Staff would appreciate a point of clarification on this. If the commission would prefer the automatic process.
 - Commissioner Doyle: Given these applicants would already be so designated, a waiver application process is not necessary.
- Executive Director: For consistency sake, with respect to Change of Ownership and the fees required, there was an attempt to bifurcate that, if there is a total acquisition and a new entity being introduced, that is a per-entity per-license fee. If there is a board member being added, and therefore the review is less intensive review, it would be \$500 per pers, and to clarify that would be per-license as well.
- Commissioner McBride: Asked for a clarification with respect to the waiver application deletion that Commissioner Doyle requested and suggested the changes.
 - Commissioner Doyle: Intent to make the fee reduction automatic.
- Commissioner Doyle: question with respect to 500.029, referring to the level of CORI review.
 - General Counsel: This was added to reflect the current level of CORI review that background checks are following. There is an opportunity between draft and final regulations to touch base with DCJIS to discuss if there are alternatives. But currently, background checks are done under this standard of review.
 - Enforcement Counsel: Clarified that this CORI level access designation only applies to registered agents, which is being performed on site and not at the Commission level review.
- Commissioner Doyle: With respect to 500.050(1)(b)(2) regarding independent testing laboratory. Language about waivers from statutory requirements. That is not how we dealt with it under 500.800. Just need to reconcile those. In subsection (3)(H) dealing with craft cooperatives, there was language that may have caused confusion, but the new language may have caused more



confusion. The language says that a craft cooperative shall have control over any other marijuana establishment, except that they may have control in a Social Consumption Establishment.

Worried that the language as written will too strictly limit the ability to obtain other marijuana licenses. Suggested Language: “Members of a cooperative shall not be a person or entity having direct or indirect control in any other marijuana establishment. Such restriction shall not be construed to prohibit a craft marijuana cooperative from applying for a marijuana retailer, marijuana existing licensee transporter, marijuana research, or marijuana social consumption establishment licenses.”

- Commissioner Doyle: Restrictions on Marijuana Retailer license. MGL 94G 4(a)(1/2) has a prohibition against those under 21 entering adult use facilities, so would like language to the effect that a Registered Qualifying Patient under the age of 21 would not be allowed in an adult use only location, but could enter a colocated location.
- Commissioner Doyle: 500.101(2)(b), we reference section 500.103: renewal and licensure, but no connection with 500.102: action on applications. Question of whether this was on purpose or mistaken omission.
 - General Counsel: Legal and licensing efforts to capture that there is more action to be taken on an application after the initial application process.
 - Enforcement Counsel: Subsection (g)(5) references 102.
- Commissioner Doyle: subsection dealing with Management and Operation Profile, with respect to sanitary practices in compliance with 105 CMR 590. Want to flag that through out the regulations, with respect to the product manufacturing process, confirm whether 590 is the right reference or if it should be 500.
- Commissioner Doyle: 500.102(1)(e), concerns about the language used, request that Commission postpone the changes until fall unless staff says they’re urgently needed. The language covers extending the time allowed to take action on applications.
 - Enforcement Counsel: In terms of context, the provision contemplates a tolling period after an application is deemed complete, if new information or a suitability issue arises.
 - General Counsel: This language is consistent with the statutory requirements and the spirit of the legislature’s intent, which is that the Commission not delay the review of license applications. As I understand it, there are situations after a determination that an application is complete that Licensing and Enforcement figures out there is more information that needs to be reviewed and raises questions as to whether that application was actually complete.
 - Commissioner Title: based on conversations with staff and legal, comfortable with the change and agree that it captures the spirit of the law that the Commission not unnecessarily delaying applications.



- Commissioner McBride: Also, comfortable, but fine with waiting for fall to make the change.
 - Commission agreed to remove that change and discuss it in the fall.
- Commissioner Title: 500.103(4)(e), with respect to the accounting requirement, hoping to make the language mirror the language in the statute where it describes what shall be documented and considered a public record by adding the following after “renewal application,” “the marijuana establishment shall submit as a component of the renewal application documentation of any cost to the municipality by the operation of the Marijuana Establishment and.”
- Commissioner Doyle: 500.105(6)(a)(2) with respect to exit packaging and the new subsection (b) with respect to opening a package with scissors or knives if it might appeal to children. Clarifying if this is new language and what type of material it might be made of as a matter of environmentalism.
 - Commissioner Title: This language was added because the exit packaging is too easily opened with scissors to exposing a plainly wrapped chocolate bar or food product. As a matter of protection of children, wanted something more resistant to scissors.
 - Commissioner Doyle: Perhaps leaving it for the fall or leaving it in to generate comment.
- Commissioner Flanagan: 500.105(2)(b)(7), with respect to the curriculum for the training program. Subsection (a) gives the 4 key components training should include. Want to replace #1 with “scientific based evidence on the physical and mental health effects based on the type of marijuana product.”
 - Commissioner Title: Supports the change and sees it as an improvement. Clarifying that the authority for what “scientific basis” is from the Commission’s research department.
- Commissioner Title: 500.105(4) with respect to Marketing and Advertising requirements. The phrase “images appealing to persons younger than 21 years of age.” Images appealing to minors or children is a clear standard, but younger than 21 might be less clear. But if there is clear research that demonstrates what those images might be, then it may not be an issue. Do we feel comfortable about whether the Commission has a process to determine whether an image is geared toward a person under 21? But ultimately willing to leave it if others are comfortable.
 - Enforcement Counsel: With respect to product labeling, the Commission has reference points. But there may be questions about how the use of their name and logo.
- Commissioner Title: 105(8) and (9), suggesting a language change to clarify and read: “(8) Advertising on any billboards or any other public signage which fails to comply with all state and local ordinances and requirements and (9) installation of any illuminated neon signage or external signage”
- Commissioner Title: 105(13) recommending removing “if relevant” from the three places it appears with respect to “Directions for Use.”



- Commissioner Title 105(17) with respect to Social Equity Program, in the Equity Work Plan, Commissioner McBride brought up a good point that we should reconsider the income limitations. Under (1) adding “income does not exceed 200% of Area Median Income and.” Number 2 and 3 contain language with respect to conviction and continuance without a finding. Asking whether this is new and the basis for the change
 - General Counsel: This was suggestion from a constituent and Shekia Scott that we broaden the category to include CWOFFs in order to bring more potential applicants into the program. Currently, folks with just a CWOFF can’t go through the program.
 - Commissioner Title: It was intentional to only include convictions here but given CWOFFs will be considered convictions in a background check, as a matter of consistency, we can keep it in, but request revisiting the question after public comment. Also curious about how CWOFFs were added to the background check aspect
 - General counsel: it was not clear in the original regulations as to whether the Commission was considering CWOFFs in the same space as convictions, so it was an attempt to clarify, given staff was considering CWOFFs with convictions.
 - Enforcement Counsel: In 802(e) there is revised language that was reviewed in the policy memorandum on June 25, new language whereby CWOFF was considered a “non-conviction offense” in the suitability table.
- Commissioner Doyle: 500.110(1)(p) with respect to sharing the floor plan or layout of a Marijuana Establishment, adding local police in addition to the fire department.
- Commissioner Doyle: 500.110(9)(a)(7) with respect to alarm activation or other events that require a response from public safety personnel. Recommend adding inspections services to that list.
 - Commissioner McBride: specify that it is municipal inspection services.
- Commissioner Doyle: Flag for the future, at some point if Federal Pesticide Standards apply to cannabis, this section will need to be revised, because it will become inconsistent if MDAR pesticide policies begin including pesticides that are not consistent with organic standards. In (11)(f) repeated word for word a section that should be a cross reference, which will be followed up with legal. In (11)(g), the energy deadline for medical is included in the adult use regs but should only be in the medical regs.
- Commissioner Title: Flag for security section, the phrase “power outage.” It was a requirement to remain open for 48 hours power outage. Wanted to invite public comment on how much it costs to comply with this.
- Commissioner Doyle: Question with respect to 500.141(2)(e) regarding a prohibition of consumers bringing their own accessories into a Social Consumption Establishment.
 - General Counsel: In staff discussions, in an abundance of caution, included marijuana accessories.



- Enforcement Counsel: this was a drafting error. The intent is that consumers may bring Marijuana Accessories into a Social Consumption Establishment, but the accessories themselves may not contain any Marijuana Products.
- Commissioner Doyle: 500.141(3)(c) – adding reference to “time and temperature control” when discussing perishable and refrigeration, given it is a legal/regulatory term and the same should be added in similar references to perishable and refrigerated products.
- Commissioner Doyle: Flagging a question for medical use, whether we intend to allow delivery retailers who are licensed for adult retail delivery will be able to contract with medical establishments.
 - Chairman: This topic should be discussed after public comment.
 - Commissioner Title: Support making it clear that an adult use delivery licensee can contract with an MTC/RMD.
 - General Counsel: Would want to see that we require a delivery only retailer to be collocated.
 - Executive Director: Food for thought, we need to work out a process for ensuring that such a licensee is satisfying the requirements of medical delivery, particularly with respect to patient supply limitations.
 - Commissioner McBride: Would like to insert language to prompt public comment but allows staff time to consider logistical concerns. Adding in the definition of “Deliver Only Retailer” after the word “consumers” – “Registered Qualifying Patients.”
- Commissioner Title 500.450(12), with the phrase “or conspired to commit,” is there an example or explanation of what would be included as to why this information was included.
 - General Counsel: This language was meant to get at people who aren’t necessarily principal actors, but those who supported the criminal action.
 - Commissioner McBride: An example might include a conspiracy to provide legal, packaged products outside the environment of the marijuana establishment that we might hear about in the course of inspections.
 - Commissioner Title: Comfortable with that example and would prefer to have the only example in the draft regulations be about diversion.
- Commissioner Doyle: 500.801(3), concerned the first sentence will be misunderstood and would prefer more active language to avoid people thinking they will be “deemed” suitable. “Licensees and Registered agents are required to maintain their suitability status at all times license or registration is in effect and suitability status is subject to reevaluation at any time.” If that same language repeats in regulations, then would like to replace similarly throughout.
- Commissioner Title: Under 820(1)(b) and (c), “all records to the extent they contain personal data.” Why wouldn’t it read “personal data.”



- General Counsel: a record could have more data in it than just personal data, we're saying that to the extent that a record contains personal data, it will not be disclosed.
- Commissioner Title: can the clarification be that a record that has personal data, but there is other information, the personal data shall be redacted.
- Chairman asked for a motion to approve the draft adult regulations granting staff the authority to make administrative changes, subject to the changes made in the discussion.
- Commissioner Doyle moved to approve the draft adult regulations granting staff the authority to make ministerial changes, subject to the changes made in the discussion.
- Commissioner McBride seconded the motion.
- The Commission unanimously approved the draft adult regulations, granting staff the authority to make ministerial changes, subject to the changes made in the discussion.

b. Draft Medical Regulations

- Commissioner Doyle: For consistency with Adult Use, the definition of Individual Order would preclude the opportunity for anyone other than an MTC to deliver to a patient, consistent with the discussion and vote on adult, evaluate the regs for consistency with respect to the ability for a non-MTC to deliver to patients.
- Executive Director: This draft does include the elimination of the patient fee. There are other fees, such as if there is a replacement card, but the \$50 registration fee has been removed.
- Commissioner Doyle: Want to make sure the "clinician/healthcare provider" change from adult makes it into Medical.
- Commissioner Doyle: 501.032(2)(b) worried that someone may be the subject to action by Commission when they got confused with respect to reaching their maximum supply.
 - Enforcement Counsel: Perhaps some language with respect to intentionality so that a mistake is not grounds for an enforcement action.
 - Commissioner McBride: adding "knowingly with the intention to subvert this regulation."
- Commissioner Title: 501.027(12) with respect to Hardship Cultivation, suggest that patient be able to receive notice prior to an inspection.
 - Enforcement Counsel: the concern would be a matter of diversion, so prior notice would be used in the ordinary course, but if there is a concern of criminal diversion.
 - Chairman: should we set out how much notice
 - Commissioner Title: Reasonable notice should be sufficient
 - Commissioner Flanagan: Oppose notice entirely, because in the case of diversion once one gets notice, its easier to hide bad behavior.
- Commissioner Doyle: 501.050(1)(h) includes language that MTCs "must" sell vaping products. Is this requirement still needed or can we allow MTCs to make their own decisions on what products to sell by removing (h) entirely?



- Commissioner Flanagan: Support for the removal of the requirements of subsection (h).
- Commissioner Doyle: 501.050(4)(b), an issue sprinkled throughout the regulations, there are a lot of references to “home deliveries” and institutional caregivers can only accept deliveries at their institution and not at their home, so would like to make sure that reference to “home delivery” is limited to Personal Caregivers and does not include Institutional Caregivers and ensure “home” is removed where delivery is allowed to an Institutional Caregiver.
- Executive Director: for point of clarification, attempting to capture the tier of MTCs. The licensing fee remains the same regardless of tier, but as a matter of data collection, we distinguish. In the case of a colocated establishment, the tier will count with respect to each adult and medical – i.e. 100,000ft canopy would not be split 50/50 between each adult and medical but counted fully for each.
- Executive Director: 501.101, for clarification, we are optimistic that we can bring the medical application into the portal, with a date in the regs on or after September 30 of this year. Until the portal is set up for that, we will follow the old process. And when this change occurs, the fee structure will be changed as well.
- Chairman: 501.102, will the same tolling issue have raised in adult carry through here?
 - General Counsel: we will make it carry over from Adult.
- Chairman: 501.104 – making sure consistent with Adult.
- Commissioner Flanagan: 501.140 would like to have some sort of language to receive public comment for reciprocity for medical licenses from other states. This may not be the place but would like to get feedback in public comment on this topic.
 - Commissioner McBride: would suggest putting language under (2)(a)(2) by inserting “in the Commonwealth or an Other State with legalized medical marijuana.”
 - Commissioner Doyle: This is sprinkled through the regulations and is willing to help legal staff consistently carry this change through.
 - Chairman: expressed support for the idea but wants to make sure it’s done right, but if Commission does not think an in-depth discussion is required, willing to move forward.
 - Commissioner Doyle: Want to make sure that this idea does not conflict with M.G.L. 94I.
 - Commissioner Title: commends Commissioner Flanagan for raising the issue and Commissioners McBride and Doyle for finding logistical solutions to carry this out.
- Chairman: 501.145 – Making sure changes made in adult will be carried through.
- Commissioner Title: Clarifying that there is no requirement for body cameras for medical home delivery.
 - General Counsel: The decision at the previous meeting that there would be a requirement to wear body cameras. And staff will ensure that they will remain the same.
- Commissioner Doyle: Comment on Delivery in general for municipalities, on the adult side Commission only allowing delivery in the locations that have retail establishments, so it is crucial for



municipalities to respond to our requests for information with respect to ordinances and bylaws to make sure what we know what is allowed in each of 351 municipalities in the Commonwealth.

- Commissioner Flanagan: 501.150 – Is it possible to align the prohibited forms of edibles listed in adult use and what is in medical with respect to appealing with children.
 - Commissioner Title: We should leave room for patients with appetite issues, but otherwise ok with the change for now.
- Commissioner Title: Going back to the requirement of body cameras for medical delivery personnel, the policy memo provided did not include that requirement
 - Commissioner McBride: the discussion had was with respect to cameras in the vehicles.
 - Commissioner Title: Recommend putting it off until the fall discussion, but if that is going to be a requirement the Commission is implementing in this round, it should be a discussion.
 - Chairman: agrees that this is not a conversation that has been resolved.
 - Commissioner McBride: Suggest saving it for fall and being informed by the discussion of body cameras in Adult.
- Chairman asked for a motion to approve the draft medical regulations granting staff the authority to make administrative changes, subject to the changes made in the discussion.
- Commissioner Flanagan moved to approve the draft medical regulations granting staff the authority to make ministerial changes, subject to the changes made in the discussion.
- Commissioner Doyle seconded the motion.
- The Commission unanimously approved the draft adult regulations, granting staff the authority to make ministerial changes, subject to the changes made in the discussion.

8) New Business that the Chairman did not anticipate at time of posting.

Chairman: no new business.

9) Next Meeting Date

July 17, 2019

Chairman asked for a motion to adjourn.

Commissioner Flanagan moved to adjourn the meeting.

Commissioner Doyle seconded.

The Commission unanimously voted to adjourn the meeting.

